

Board of Zoning Adjustment Staff Report

December 4, 2017



Case No:	17DEVPLAN1192
Project Name:	4001 South Brook Street CAT2B
Location:	4001 South Brook Street
Owner(s):	Anna Tatman – Wilder park Properties LLC.
Applicant:	Anna Tatman – Wilder park Properties LLC.
Representative(s):	Karl Lentz – Evans/Griffin Inc.
Project Area/Size:	.64110 acres (Parcel ID: 055F-0175-000)
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Ross Allen – Planner I

REQUEST(S)

- Variance from LDC 5.3.4.D.3.a (August 2017a) to encroach into the 25 foot front setback along South Brook Street by approximately 25 feet.

Location	Requirement	Request	Variance
Front Setback	25 ft.	0 ft.	25 ft.

CASE SUMMARY/BACKGROUND

The subject site is located in southcentral Louisville, bounded by CSX Railroad tracks to the East, South Brook Street to the West. The parcel is land locked on the north by an M-2 zoned parcel and to the south by another M-2 zoned parcel containing Buehner's Sheet Metal Inc. The applicant is proposing to construct a 12,794 sf. that will be connected to both adjacent buildings on the northern of two parcels which are to be consolidated. As a result of the addition an existing 1,594 sf. structure, covered block structure having approximately 644 sf., along with concrete and gravel areas will be removed to allow for the proposed structure and new vehicular use area (VUA). The VUA will consist of eight parking spaces with two ADA compliant spaces included. The applicant will provide a 5 foot VUA LBA to screen the proposed VUA and is providing 5 foot wide sidewalks in the public right of way for an approximate length of 329 feet of frontage along South Brook Street. The applicant will be required to plant 10% or one half of the planting requirement since the proposed structure is less than 50% improvement to the existing site. A landscaping plan for the southern parcel, case no. 14LSCAPE1192, was approved on 01/7/2015 while the northern parcel will require a landscaping plan. Both northern and southern parcels are to be consolidated as indicated as note #1 on the Category 2B development plan. The applicant will be required to plant 10% or one half of the planting requirement since the proposed structure is less than 50% improvement to the existing site. Thus, 10% tree canopy requirements apply and will be planted on the property directly to the north as owned by Wilder Park Properties.

Related Cases:

- **02-41-14** – Category 2B development plan (Oct. 2, 2014) for a proposed 30 foot tall 4,996 sf. warehouse/storage building addition.
- **14LSCAPE1192** – Landscaping plan as associated with 02-41-14.

STAFF FINDING / RECOMMENDATION

Staff finds that the requested variance is adequately justified and meets the standard of review.

Based upon the information in the staff report, and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a variance established in the Land Development Code from section 5.3.4.D.3.a to allow a proposed 12,794 sf. building addition to encroach 25 feet into the 25 foot front yard setback along South Brook Street.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Industrial - Warehouse/Storage	M-2	Suburban Workplace
Proposed	Industrial - Warehouse/Storage	M-2	Suburban Workplace
<i>Surrounding Properties</i>			
North	Industrial	M-2	Suburban Workplace
South	Industrial	M-2	Suburban Workplace
East	Industrial/CSX Railroad ROW	M-2/EZ-1	Suburban Workplace /Campus
West	Industrial / Single Family Residential	R-5/M-2	Traditional Neighborhood/Suburban Workplace

TECHNICAL REVIEW

No technical review was conducted for the category 2B development plan review.

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

APPLICABLE PLANS AND POLICIES

Land Development Code (LDC August 2017a)
Comprehensive Plan (Cornerstone 2020)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE from LDC Section 5.3.4.D.3.a, to allow a proposed 12,794 sf. 30 foot tall storage/warehouse to encroach 25 feet into the 25 foot front yard setback.

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The variance will not adversely affect the public health, safety or welfare because the encroachment of the building addition and ensuing construction will require sidewalks to be built along the frontage of the subject property. The sidewalks will contribute to the public health, safety, and welfare of the surrounding properties.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity because the building addition will be consistent with the existing building layout along the east side of South Brook Street.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public because the new street access to the building addition will not be required and a sidewalk will be provided.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations because traffic patterns will not be affected and pedestrian movement will be enhanced..

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance does not arise from any special circumstances. The applicant is expanding into the front yard setback along a public road to add the maximum building square footage to allow the feasibility of the project along with the needs of the business.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land by not allowing sufficient building addition square footage for business needs.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations but rather are a result of the existing building layout and the need for additional building square footage for the business.

REQUIRED ACTIONS

- **Approve/Deny** the Variance from LDC 5.3.4.D.3.a (August 2017a) to allow the 30 foot tall proposed 12,794 sf. storage/warehouse to encroach 25 feet in the required 25 foot front setback along South Brook Street.

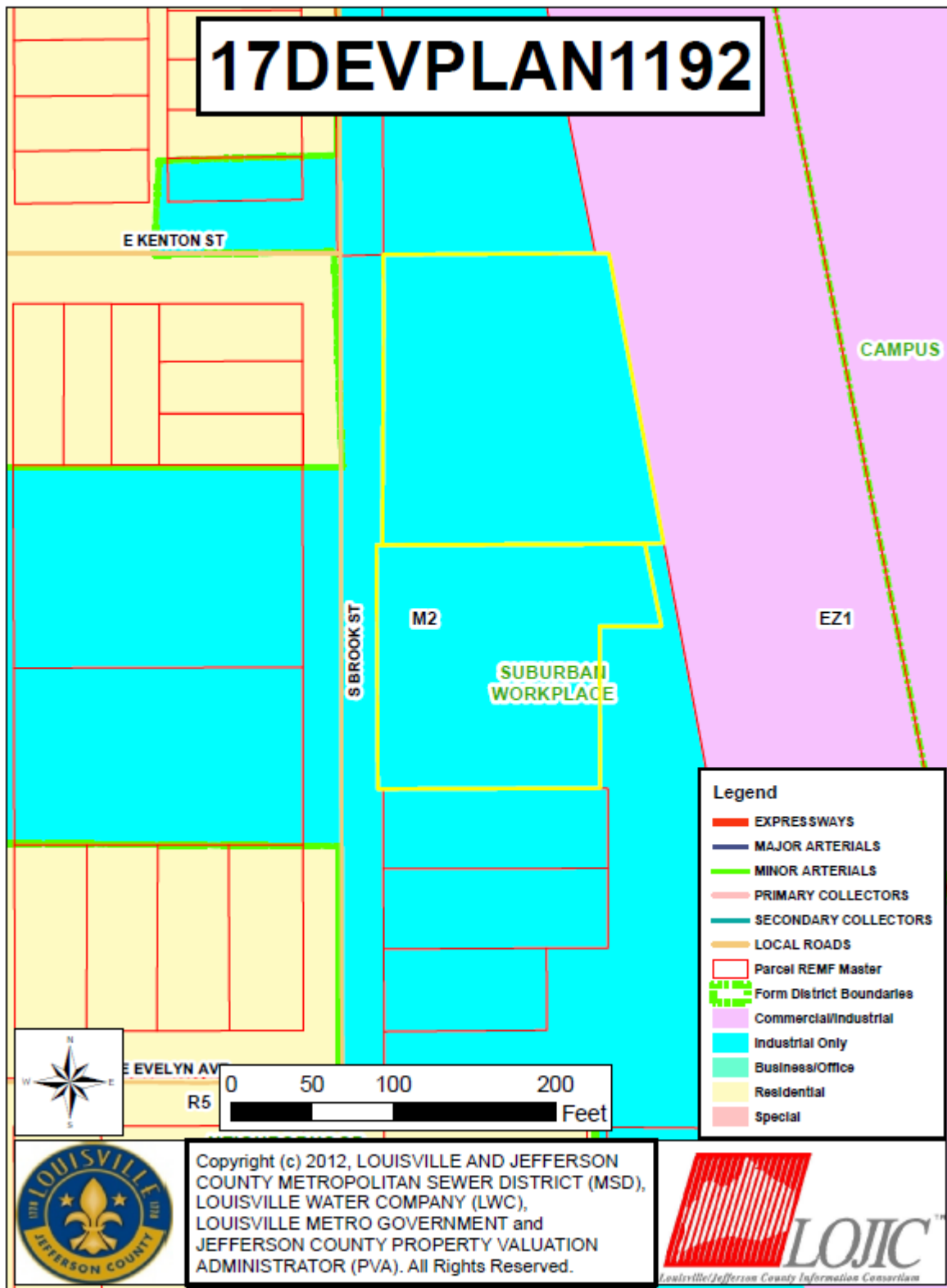
NOTIFICATION

Date	Purpose of Notice	Recipients
Nov. 17, 2017	Posting of Variance Sign	Subject property located at 4001 South Brook Street
December 4, 2017	Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 15 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

